

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

THE ESTATE OF JAMES ALCORN,)
DECEASED, BY NIKKA ALCORN)
AS PERSONAL REPRESENTATIVE)
)
)
Plaintiff,)
)
v.) Case No. 1:21-cv-00913
)
HMD, LLC, RODNEY WILLIAMS,)
PERRY FIBERGLASS PRODUCTS, INC.,)
R&S SHEET METAL, LLC and)
MERVIN TROYER)
)
Defendants.)

NOTICE OF REMOVAL

Defendants, HMD, LLC and Rodney Williams, by counsel, joined for consent by Defendants, Perry Fiberglass Products, Inc., R&S Sheet Metal, LLC and Mervin Troyer, by counsel, and pursuant to 28 U.S.C. § 1332 file their Notice of Removal of the captioned matter to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Wayne Superior Court 1, Richmond, Indiana, and respectfully state as follows:

1. HMD, LLC, Rodney Williams, Perry Fiberglass Products, Inc., R&S Sheet Metal, LLC and Mervin Troyer are defendants in a personal injury action now pending in the Wayne Superior Court 1 under Cause No. 89D01-2103-CT-000012.
2. Plaintiff filed her Complaint in the Wayne Superior Court 1 on March 9, 2021.

3. Defendant, HMD, LLC, was served with a copy of the Summons and Complaint on or about March 16, 2021 via certified mail.

4. Defendant, Rodney Williams, was served with a copy of the Summons and Complaint on or about March 16, 2021 via certified mail.

5. Defendant, Perry Fiberglass Products, Inc., was served with a copy of the Summons and Complaint on or about March 15, 2021 via certified mail.

6. Defendant, R&S Sheet Metal, LLC, was served with a copy of the Summons and Complaint on or about March 15, 2021 via certified mail.

7. Defendant, Mervin Troyer, was served with a copy of the Summons and Complaint on or about March 15, 2021 via certified mail.

8. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. § 1332.

9. Plaintiff is a citizen of the State of Indiana.

10. Defendant HMD, LLC is a limited liability company, with its sole member being Daiva Malukas. Daiva Malukas is a citizen of Illinois. As such, HMD, LLC is a citizen of the State of Illinois.

11. Rodney Williams is citizen of the State of New Jersey.

12. Defendant Perry Fiberglass Products, Inc. is an active Ohio Corporation. Defendant Perry Fiberglass Products, Inc. has its principal place of business in the State of Florida. As such, Defendant Perry Fiberglass Products, Inc. is a citizen of the states of Ohio and Florida.

13. Defendant R&S Sheet Metal, LLC is a limited liability company. Its members are Reuben Schlabach, Sufi Schlabach, John Schlabach and Christian

Schlabach, all of which are citizens of Ohio. As such, R&S Sheet Metal, LLC is a citizen of the State of Ohio.

14. Defendant Mervin Troyer is a citizen of the State of Ohio.

15. The controversy of this cause of action is entirely between citizens of different states.

16. The amount in controversy exclusive of interest and costs in Plaintiff's cause of action against Defendants is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. § 1332(a). Therefore, the Court has diversity jurisdiction under 28 U.S.C. § 1332 over the claims asserted by Plaintiff against Defendants.

17. Attached hereto as Exhibit A is a copy of the complete State Court Record, including the current State Court Docket, Complaint, Appearance for Plaintiff, Summons to Defendants, HMD, LLC, Rodney Williams, Perry Fiberglass Products, Inc., R&S Sheet Metal, LLC, and Mervin Troyer, Jury Trial Demand, Appearance for Defendants HMD, LLC and Rodney Williams, Defendants HMD, LLC and Rodney Williams Motion for Enlargement of Time, Order on Defendants Motion for Enlargement of Time, Return of Service to Defendant Perry Fiberglass Products, Inc., Return of Service to Defendant R&S Sheet Metal, LLC, Return of Service to Defendant Mervin Troyer, Appearances for Defendant Perry Fiberglass Products, Inc., Defendant Perry Fiberglass Products, Inc.'s Unopposed First Motion for Enlargement of Time to File Responsive Pleading, Appearance for Defendant R&S Sheet Metal, LLC and Mervin Troyer, Defendant R&S Sheet Metal, LLC's Answer, Affirmative Defenses and Request for Jury Trial, Order

Granting Defendant, Perry Fiberglass Products, Inc.'s Unopposed First Motion for Enlargement of Time to File Response Pleading, Motion to Withdraw Appearance for Defendant Mervin Troyer, Defendant Mervin Troyer's First Motion for Enlargement of Time, Appearance for Defendant Mervin Troyer, Order Withdrawing Appearance for Defendant Mervin Troyer, and Order Granting Defendant, Mervin Troyer's First Motion for Enlargement of Time. These documents constitute all of the pleadings, orders, and process on file with the Wayne Superior Court 1 as of the date of this filing of this Notice of Removal. A separate copy of the Complaint has also been attached as Exhibit B pursuant to Local Rule 81-2(c).

18. All Defendants consent in this Notice of Removal, as evidenced by the below signatures of counsel of record for all Defendants.

19. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Wayne Superior Court 1.

Respectfully submitted,

WHITTEN LAW OFFICE

s/Christopher R. Whitten

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*Counsel for Defendant Perry Fiberglass
Products, Inc.*

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s/Mark S. Alderfer

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Counsel for Defendant Mervin Troyer

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2021, a copy of the foregoing was filed electronically. Parties may access this filing through the Court's system.

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